

**REMARKS**

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed on August 18, 2004.

Applicant also thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119 and receipt of a certified copy of the priority document.

**Claim Rejection**

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,672,240 to Walker ("Walker") in view of U.S. Patent No. 5,914,671 to Tuttle ("Tuttle").

The combination of Walker and Tuttle does not disclose or suggest at least the low power consumption mode keeping lessening functions of the controller as long as the memory circuit is in operation, as recited in amended independent claim 1. The Examiner concedes that Walker fails to disclose this feature. Tuttle does not cure this deficiency of Walker.

Tuttle discloses an invention wherein a wake-up timer and logic circuitry switch the invention between a sleep mode and a higher power mode during time periods where no interrogation signal is received (column 6, lines 55-60). On the other hand, claim 1 recites the *low power consumption mode* keeping lessening functions of the controller *as long as the memory circuit is in operation*. In other words, Tuttle's invention periodically switches in and out of a low power mode based on a wake-up timer, whereas the Applicant's claimed embodiment does not periodically switch modes, but instead maintains a low power consumption mode as long as the memory circuit is in operation.

For at least the above reasons, amended independent claim 1 is patentable over the combination of Walker and Tuttle. Claim 2, which depends from claim 1, is patentable at least by virtue of its dependency.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tuttle, as applied to claim 2 above, and further in view of U.S. Patent No. 6,356,197 to Patterson et al. ("Patterson"). Applicant traverses this rejection.

The Examiner's attempted combination of Walker, Tuttle and Patterson does not disclose the invention as recited in claim 3. As established above, the Walker-Tuttle combination does not disclose or suggest at least the low power consumption mode keeping lessening functions of the controller as long as the memory circuit is in operation, as recited in amended independent claim 1 and incorporated in claim 3, which depends from claim 1. Patterson does not cure these deficiencies.

The Examiner relies on Patterson only to disclose a reset signal generator configured to control activation and deactivation of the controller, in response to a voltage level, which does not cure the above noted deficiencies. Further, as cited by the Examiner, Patterson merely discloses a power rectifier 19 which provides DC power from an LC resonant circuit 3 to a controller 16 until the power from the LC circuit 3 falls below a minimum level (column 8, lines 26-32). Therefore, the power rectifier of Patterson, even broadly construed, does not provide a reset signal generation function, as in claim 3.

For at least the above reasons, claim 3 is patentable over the Examiner's attempted combination of Walker, Tuttle and Patterson.

Claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tuttle, as applied to claim 1 above, and further in view of U.S. Pat. Pub. No. 2002/0175806 to Marneweck et al. (“Marneweck”). Applicant traverses this rejection.

The Examiner’s attempted combination of Walker, Tuttle and Marneweck does not disclose the invention as recited in claim 5. As established above, the Walker-Tuttle combination does not disclose or suggest at least the low power consumption mode keeping lessening functions of the controller as long as the memory circuit is in operation, as recited in amended independent claim 1 and incorporated in claim 5. Marneweck, as cited by the Examiner, discloses an electronic tag 16 that communicates with a reader 11, but does not cure the deficiencies of the Walker-Tuttle combination. Since the combined references fail to disclose or suggest the invention as claimed, claim 5 is patentable over the Examiner’s attempted combination of Walker, Tuttle and Marneweck.

Claims 6 and 7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,585,345 to Kosugi (“Kosugi”) in view of Marneweck.

With regard to independent claim 6, it appears that the Examiner may have intended to include Tuttle as a reference in the rejection since on page 7 of the Office Action, the Examiner’s citations with respect to the claim 6 rejection correspond to the citations to Tuttle in the rejection of claim 1 on page 3 of the Office Action, rather than to Kosugi and Marneweck as indicated by the Examiner.

In light of the above, the Examiner’s attempted combination of Tuttle, Kosugi and Marneweck does not disclose or suggest at least the low power consumption mode keeping lessening functions of the controller as long as the memory circuit is in operation, as recited in

amended independent claim 6. Tuttle discloses an invention wherein a wake-up timer and logic circuitry switch the invention between a sleep mode and a higher power mode during time periods where no interrogation signal is received (column 6, lines 55-60). On the other hand, claim 6 recites the *low power consumption mode* keeping lessening functions of the controller *as long as the memory circuit is in operation*. In other words, Tuttle's invention periodically switches in and out of a low power mode based on a wake-up timer, whereas the Applicant's claimed embodiment does not periodically switch modes, but instead maintains a low power consumption mode as long as the memory circuit is in operation. The combination of Kosugi and Marneweck does not cure these deficiencies since neither discloses or suggests low power consumption mode keeping lessening functions of the controller as long as the memory circuit is in operation.

For at least the above reasons, amended independent claim 6 is patentable over the Examiner's attempted combination of Tuttle, Kosugi and Marneweck. Claim 7, which depends from claim 6, is patentable at least by virtue of its dependency.

### **Claim Objections**

Claim 4 has been objected to as being dependent on a rejected base claim, claim 1. The Examiner has indicated that claim 4 would be allowable if rewritten in independent form including the limitations of the base claim. Since claim 1 is patentable, as established above, and since the Examiner concedes that claim 4, which depends from patentable claim 1, contains patentable subject matter, claim 4 is patentable over the prior art.

### New Claims

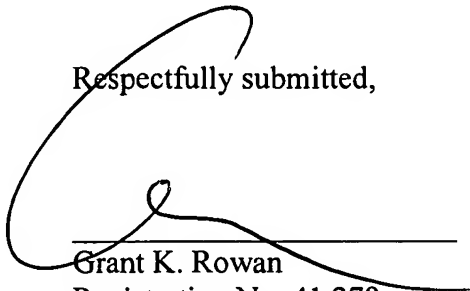
Applicants have added new claim 8 which combines the features of claims 1 and 4 which, as indicated above by the Examiner, would render claim 4 patentable. Therefore, since claim 8 is equivalent to claim 4 rewritten in independent form including the limitations of base claim 1, claim 8 is patentable over the prior art.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Grant K. Rowan  
Registration No. 41,278

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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